



**Testimony by Christine Cameron  
Director of Silent Observer, Kent County  
Michigan House Judicial Committee  
HB 6348  
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Mr. Chairman and members of the committee, my name is Chris Cameron, Director of the Silent Observer Program in Kent County. Thank you for the opportunity to comment on House Bill 6348 dealing with protecting the identity of Crime Stoppers/Silent Observer anonymous informants.

Silent Observer/Crime Stoppers is a tool the community uses to report information about serious crimes. This program guarantees that informants remain anonymous and great pains are taken to ensure their anonymity. When a tipster calls, there is no caller ID and when writing the tip, the call taker tries not write down information about the tipster even though the tipster sometimes offers it. Each tipster is then given an identification code number and they will use that number when following up on their tip or claiming any reward.

Even though the tipster's name is not on the tip sheet, the very fact that a tipster provides certain information can lead to their identity by a defendant. That is where the problem lies. And though tip sheets are the property of Silent Observer/Crime Stoppers and are supposed to be returned by police after using them, they often end up in police case files that eventually go to prosecutors and defense attorneys. Every effort has been made to stop this practice but mistakes still occur.

The community uses Silent Observer mainly so they can be anonymous while making a difference in their neighborhoods, businesses and schools by ridding them of criminal behavior. Users say they are comfortable utilizing the program because they do not have to fear reprisals from criminals or get involved in a criminal justice system they may not understand.

The leading case on the informer's privilege is *Roviaro v. United States*. As the United States Supreme Court stated "The purpose of the privilege is the furtherance and protection of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to

law enforcement officials and, by preserving their anonymity, encourages them to perform that obligation.”

“The privilege is allowed so as to preserve the informer’s right to be protected against retaliation. Courts and commentators have observed that the identity of informer privilege is well established and that its soundness cannot be questioned.”

“The identity of informer privilege protects not only the informer’s identity, but also protects communications when that disclosure would operate to disclose the informer’s identity. Further, the identity of informer privilege applies to persons who cooperate with or assist a law enforcement agency on a confidential basis as well as to those actually supply information.”

Twenty two states have laws that protect the identity of Crime Stopper/Silent Observer informants. We are asking that Michigan joins the ranks. We ask that all Crime Stopper/Silent Observer records are forbidden to be subpoenaed unless they are exculpatory to the defendants. Since we don’t want to allow suspects in crimes to provide false or misleading information using our anonymous tip line, language has been added to the bill to address this concern with the help of Kent County Prosecutor William Forsyth. Silent Observer/Crime Stoppers records can be reviewed “in camera” by a judge if the information contained in the record would be exculpatory to the defendant.

By attempting to obtain the identity of a caller there is a violation of the firm trust that Crime Stoppers/Silent Observer has established with the community over the years. In Illinois a couple of years ago, a prosecutor successfully subpoenaed Crime Stoppers records and since the program could no longer promise to keep the identity of their informants a secret, they shut their doors. Our program is successful because people trust we will keep the promise. Imagine how many tips would dry up if the public began to sense that the identity of informants could legally be disclosed.

The guarantee of anonymity is the most important element of the program and the foundation that makes Crime Stoppers/Silent Observer a vital tool in obtaining leads to assist investigators in solving crime.